App F IX 4

Previous References

Rne 76-35-68
Rne 31-38-37+40

1938-39
(Rne)

Rne File No 31-38

Serial Nos. 65, 69, 73, 76, 97+98

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for

SUBJECT

Sewer agaeme the Harehar Town Municipality before beg the Munsiff of Davangere

98 The Deputy Commissioner Chitaldrug District
The Comptroller & Govt

WD 01965—GPB—15 000—7 7-34

G.O. No. F.T.01-2 Rne 31-38-98 Dt 28-11-

Action taken by the Municipal Council as approved and the Question dropped

Sent the suit against the
Har har Tn Mlg by Mr Abdul Rub Sab

5072/P

General and Revenue Secretariat

File No mc 31 of 1938

[App. I III—2

Serial No 65

Letter No Ab C 2078/36-37 dt 28-4-39 from the DC Chitaldrug Dt, reporting that Mr Jade Krishna Rao, Advocate, Davangere has been engaged to defend the suit on behalf of the Harihar Tn Mlg

N

1 In Go No 3536-38/mc 31-38 dt 3-11-38, sanction was accorded to engage a lawyer at Davangere to defend the suit filed by one Mr Syed Abdul Rub Sab of Harihar town, in the matter of suspending the resolution of the Harihar Tn Mlc by the DC Chitaldrug Dt regarding the grant of two Pieces of land to Mr Syed Abdul Rub Sab, Plaintiff in the above suit

2 The DC Chitaldrug Dt reports for the information of Govt that a lawyer has been engaged to defend the case Submd for perusal

3 This may perhaps be referred to the Law Section

Law Asst 2/10/39

Sne 10/2/39/sm

(Law Asst)

4) Addl Govt Plaint filed in the case may kindly be obtained and put up

ROKR 11/2

(S G for)

5 Submd with addl letters to DC Chitaldrug calling for the record for appl

Sne 11-2-39/sm

6) Sne 2/10/39.

TYPING &c * GEN & REV SECTT

Law ROKR 11/2

NOTE—Cont Sheet

WD 0544—CPB—30 000—9 38

Re Suit filed by Abdul Rub Sab of Hanchar against the Hanchar Muny

4031/4596

File No	mc 31	of 1938	General and Revenue Secretariat

DC Chitaldrug — 69

No 2659 dt 21-2-39

Requests him to forward a copy of the plaint

Letter No ABC 2078/36 37 dt 6-3-39, from the DC Chitaldrug DC forwarding a copy of the plaint filed in the above suit as called for — 73

submitted

If approved, this will be sent to the Law Section alongwith the copy of plaint received as required in para 4 supra

Yes 10/3/39

Sd/ 9/3/39 for Law Secretary

for 10/3/39

Sd/R 13/3

1) The pleadings are for perusal

2) Under Sec 178 of the Town Municipal Act, no suit can be filed against a Municipal council without a notice in writing stating the cause of action etc and until after the expiry of two months from the date of notice There is no allegation in the plaint that such a notice has been given to the Municipal Council It is also brought to the notice that the Municipal Council has also raised no such plea in its defence

Suit against the Harihar Town Municipality before the Munsiff of Dakanyera

45'96

General and Revenue Secretariat | ML File No 31 of 1938 D [App F III—2

Serial No

If no notice has been given, or if the suit is filed within two months from the date of notice the suit is liable to be dismissed if the circumstances of the case permit, the Ml Counsel may be asked to raise this plea

A1

BCR 18-3

Asst Secy)

10) A yes 6/3 2013

11) For further action

BCR 20 3

Asst Secy LSG Section we)

12) Please put draft letter to D C Anantapur in accordance with the legal opinion

2 20/3/-

13) Submd with a dft letter to the DC Chitaldrug as ordered above

2 21/3/-

For approval

Secy LSG)

SECY LOCAL SELF GOVT 21 MAR 1939 GOVT OF MYSORE

15- Sec 21/3

16) 2 21/3/-

To the DC Kolar

No L 7687 of 23-3-39

NOTE—Contn Sheet

WD 0 44—GPB—30 000—2 9 83

States that if the circumstances of the case permit the Ml GC may raise the plea in its defence that no suit can be filed against a Ml GC without a notice in writing 2 months after the expiry of two months from the date of notice etc

Subd 15

Mr Abdul Rasak of
Mr filed by ~~the D.C. Chak~~ Harbar Town Mly-
against the Mly-

Ghk File No 31 of 1938-39 General and Revenue Secretariat

From The D.C chatalong Distt
no A6. C 2078/3633 Dt 9.5.38

Request sanction of Govt to the recom-
of the Board that the plaintiff may be
allowed to retain the stair case put by
him on the left side of the building
1) Flag S contains the facts
of the case in full
2) Two bits of land each measuring
10'x6'- situated on the right & left sides
of the plaintiffs house were sold by the Harbor
Town Board and price received But the front
was cancelled by letter no dated 28 8 1938
Notice was issued to the pltf to vacate the
two bits of land of these, Mr Abdul Rasak
has vacated the one situated on the right
side of his building and he has not vacated
the one on the left side, as he has putup
stair case
3) In the meanwhile the plan of the
extension was modified by the Bureau of Survey-
Engineers, according to which a conservancy lane
was opened on the right side of the house and the
area on the left has been converted into a
Lane It is on this Lane that Mr Abdul Rasak has
the stair case The Harbor Town Board have
also resolved on 4 11 37 That the stair case
to the left be allowed to remain as it does not

Flag W

Suit filed by Mr Abdul Rab &
Haleem Dr MC

General and Revenue Secretariat — File No 87 of 1938-39 [App F III 2

Serial No.

stand in any road according to the modified plan When it was insisted upon the plaintiff to remove the staircase on the left side, Mr Abdul Rab has filed a suit in the munsiffs court at Saravanapuri & obtained a temporary injunction order A lawyer has been engaged for the MC & the suit is being heard

It is now reported that the Court threw out a suggestion that it would simplify matters if the resolution passed by the MC dated 24 11 37 allowing the plaintiff to retain the staircase partly on as approved The DC has accordingly given the orders of Govt in the matter

2) The records show that from the beginning, the MC has not adopted a correct attitude Govt at first transferred 2 feet of land to the plaintiff & recovered the money from him It is unable to enforce the orders of Govt directing the cancellation of the grant It was quite wrong on the part of the MC to have resolved as on 24 11 1937 which is quite contrary to the orders of Govt directing the resumption of the two feet of land & agreeing to the retention of the staircase on the left side of the building Further The layout of the

NOTE—Contd Sheet

Suit filed by Mr Abdul Rub of Hurdiha Jan

File No 37 1760/P of 1938-39 1610 General and Revenue Secretariat

Serial No	

its in the extension has been also modified with the meanwhile, converting the right side into a conservancy lane & the left side into a site

The facts of the case are fully explained in Flag S (left side one) It is said that it does not form part of the public road and the owner of the adjoining house has no objn to the retention of these steps - putting by Mr Abdul Rub. Flag S (Page 2)

Further, the Court is said to have thrown out a suggestion that it would simplify matters if the plaintiff is allowed to retain the staircase

21) The D.C. requests orders of Govt approving the final resoln dated 27 11 1937 This would mean a modification of the G.O. dated 28/8/1938 vide preamble to G.O. Flag N

22) The Law section may be consulted

23 For Savoor & remarks

13/9/39

Mr Lory Law 4 C)

2/13/9

52 Law 3 13/9/39

24 Facts of this case are clear from the Note of the President of the Stambar Municipality flagged 'S'

25 Mr Abdul Rub's contention in the Suit, is that the Stairs he has built on the left side of his house be retained

26 Two sets were given of the

1760

Serial No.

Municipality to their Above Rule, to construct steps on the right & left side of the house Bapu the Deputy Com took objection to the front of these sites ½ on the ground that the said Sites formed parts of the road, & directed the Pramukh to resume these sites & set the steps demolished to the verandah, the Bombay Engineering modified plan pertaining to the Extension that plan was accepted by Municipal Council on 3.2.37, & approved by the Devan By the modified plan, the right-side site became part of a Conservancy Lane the left side site was apportioned as a Sweeper's Q. The Above Rule demolished the right-side steps, & has given the site but it has retained the left side steps, which the front resid that may shall be also ordered

2) The order of the Deputy Commissioner to demolish the steps on both sides, at first, was correct, because these sites formed part of the road — but now the position is changed According to the modified plan approved by the Municipal Council & accepted by the Devan the left-side site does not form part of any road there is no necessity to demolish the said steps

If the recommendation made by the D C now may be approved, & sanction be given, to the effect that the steps built by the Municipality on the left-side of the house, be retained By them, the said order pending, may end

Law Secretary 3/ 21/10/37

NOTE- Contn Sheet

1760/P

File No of 19 | General and Revenue Secretariat

Serial No

29) The two lots on the right & left of the house of the party was sold to them by the Municipality & built staircases thereon. The DC reported that Roads would come in & recommended that the grants by the Municipality be cancelled. He therefore ordered that they be resumed. The party removed the staircase on the right side but not on the left. According to the present layout the road comes only on the right side & not on the left so the left side a site is formed. In these circumstances it is but equitable that the party should be allowed to retain the plot sold to them on the left side especially as he has built a staircase. It is anyhow formed into a site for building, & there is no reason why this party who has a better right to it should be deprived of it. The suit may be settled on this basis.

2nd Member

30) DC may be commended above the plea

27/10/39

31) Put up a report to the DC

28/10/39

L S Gr Branch

3381
23 10 39

L SS
2/11/39
RHV

Serial No

32) Draft letter to D e Chatelduny is submitted for approval

Rmr 31/10/39

33) Enc 2 31/10/-

TYPING SEC C
31 OCT 1939
GEN &

To the Deputy Commissioner, Chatelduny Dt
No 24290 dated 1-11-39
Calls for his opinion as to whether the suit may not be settled on the basis of the Municipal Council resolution

From the Deputy Comm, Chatelduny Dt
No A & E 2078/36-37 dated 7-11 39
States that a compromise has been effected in the matter and requests that the matter may be dropped-

34) Draft of a recording is submitted for approval

(Law Dept) 2 14/11-

Rmr 14/11

3290 15/11/39

PN

2nd Hearing Ce 17/11

21/11

G 21/11

Enc 2 22/11/-

98 To the D e Chatelduny
Complaints
No 2 5101-2 dt 28-11-39
Records the correspondence

NOTE—Contn Sheet

OFFICE OF THE BEFORE MEMBR OF COUNCIL
20 NOV 1939
4227

B 2/12/39

File No	of 19	General and Revenue Se retariat
		Serial No

3849 40.31

Tel Address —DEPCOM Chitaldrug

In reply please refer
No A6 C 2078/36-37
Encls Three

OFFICE OF THE DEPUTY COMMISSIONER
CHITALDRUG DISTRICT

Dated Chitaldrug 28th January 1939

Mf 31 38-65

FROM

M NAVANEETHAM NAIDU ESQ BA, BL
Deputy Commissioner
Chitaldrug District

To

P H Krishna Rao Esquire m A ,
Secretary to Government,
Local Self-Government Department,
B a n g a l o r e

SIR

Subject - Suit against the Harihar Town Municipality by Mr Syed Abdul Rub Sab of Harihar (in O S No 139/38-39 on the file of the Munsiff, Davangere) B

Adverting to Government order No L 3536-38 Ml 31-38-40 dated 3rd November 1938 according sanction to engage a lawyer at Davangere to defend the above suit on behalf of the Municipality, I have the honor to forward herewith for the kind information of Government a copy of progress report No H C 17/36-37 dated 9th January 1938 received in the above matter from the President, Harihar Town Municipality and to state as follows -

On receipt of orders of Government dated 3rd November 1938 permitting the Harihar Municipality to engage a lawyer at Davangere to defend the suit in question necessary instructions were issued to the President in the matter The President reports that Mr Jade Krishna Rao, Advocate, Davangere, has been engaged to defend the suit on behalf of the Municipality He adds that issues have been framed as detailed in his report No H C 17/36-37 dated 9th January 1939 (copy enclosed for kind reference) and that the case is posted to 13th March 1939 for evidence

I enclose herein for the information of Government copies of the statement on the defence side and that of the reply from the plaintiff in the above said suit

I have the honor to be
S I R,
Your most obedient servant

Navaneetham

Deputy Commissioner
Chitaldrug District

letter NO H C 17/36-37 dated 9th January 1939 from the President Town Municipal Council, Harihar to the Deputy Commissioner, Chitaldrug District Chitaldrug

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Subject - Defending the suit on behalf of the Harihar Municipality filed by the grantee Mr Syed Abdul Rab of Harihar Town

---

With reference to your docket letter NO A6 C 2078/36-37, dated 6th December 1938, asking me for submission of monthly progress report on the above subject, I beg to submit that Mr Jade Krishna Rao, Advocate of Davangere who is conducted the case on behalf of the Municipal Council, states in his letter dated 26th December 1938, that the following issues have been ramed and the case is posted for evidence on 13th March 1939

ISSUES - 1 Was the grant of sites conditional, and have the Coverrment authority and power to cancel the grant as alleged by the deferdant,

2 Does the order of the Deputy Commissioner, cancelling the grant already made by the Municipal Council valid

3 Is the Government a necessary party,

4 To what relief is the plaintiff entitled to

Copy of the statement on the defence side and that of the reply from the plaintiff is enclosed for kind information,

Further report will be submitted on hearing from the counsel

" C O P Y "

DEPUTY COMMISSIONER,
CHITALDRUG DISTRICT

the order of the Deputy Commissioner dated 11.2.36 immediate action should be taken to resume the lands from the grantee and to refund the upset price received from him. తీర్పు మీద ప్రతివాది ప్రత్యర్థి శ్రీ కొండపల్లి సీతారామయ్యగారు ఈ కాకినాడ కోర్టులో ఈ అప్పీలు వేశారు. ఈ అప్పీలు విచారణ సమయంలో ప్రతివాది తరపు న్యాయవాది శ్రీ కోటిపల్లి సూర్యనారాయణమూర్తిగారు ఈ క్రింది విధంగా వాదించారు.

1) ఈ కేసులో ఇరుపక్షాల వారు ఒప్పుకున్న విషయాలు ఏమిటంటే ప్రతివాది ఈ భూమిని 1933 సంవత్సరంలో వేలంపాటలో కొన్నారు. ఆ భూమిని ఆయన 1934 సంవత్సరంలో అమ్మివేశారు. ఆ అమ్మకం ఆధారంగా ఈ భూమి ప్రస్తుతం ఆయన ఆధీనంలో ఉంది. ఈ భూమిని ఆయన 1934 సంవత్సరంలో అమ్మివేసినప్పుడు ఆయన ఈ భూమి తనదేనని, ఈ భూమిని అమ్మడానికి తనకు పూర్తి అధికారం ఉందని చెప్పారు. ఈ భూమిని ఆయన అమ్మివేసిన తరువాత ఈ భూమి ఆయన ఆధీనంలో లేదు. ఈ భూమిని ఆయన అమ్మివేసిన తరువాత ఈ భూమి ఆయన ఆధీనంలో లేదు. ఈ భూమిని ఆయన అమ్మివేసిన తరువాత ఈ భూమి ఆయన ఆధీనంలో లేదు.

2) ఈ కేసులో ఇరుపక్షాల వారు ఒప్పుకున్న విషయాలు ఏమిటంటే ప్రతివాది ఈ భూమిని 1933 సంవత్సరంలో వేలంపాటలో కొన్నారు. ఆ భూమిని ఆయన 1934 సంవత్సరంలో అమ్మివేశారు. ఆ అమ్మకం ఆధారంగా ఈ భూమి ప్రస్తుతం ఆయన ఆధీనంలో ఉంది. ఈ భూమిని ఆయన 1934 సంవత్సరంలో అమ్మివేసినప్పుడు ఆయన ఈ భూమి తనదేనని, ఈ భూమిని అమ్మడానికి తనకు పూర్తి అధికారం ఉందని చెప్పారు. ఈ భూమిని ఆయన అమ్మివేసిన తరువాత ఈ భూమి ఆయన ఆధీనంలో లేదు. ఈ భూమిని ఆయన అమ్మివేసిన తరువాత ఈ భూమి ఆయన ఆధీనంలో లేదు. ఈ భూమిని ఆయన అమ్మివేసిన తరువాత ఈ భూమి ఆయన ఆధీనంలో లేదు.

3) ఈ కేసులో ఇరుపక్షాల వారు ఒప్పుకున్న విషయాలు ఏమిటంటే ప్రతివాది ఈ భూమిని 1933 సంవత్సరంలో వేలంపాటలో కొన్నారు. ఆ భూమిని ఆయన 1934 సంవత్సరంలో అమ్మివేశారు. ఆ అమ్మకం ఆధారంగా ఈ భూమి ప్రస్తుతం ఆయన ఆధీనంలో ఉంది. ఈ భూమిని ఆయన 1934 సంవత్సరంలో అమ్మివేసినప్పుడు ఆయన ఈ భూమి తనదేనని, ఈ భూమిని అమ్మడానికి తనకు పూర్తి అధికారం ఉందని చెప్పారు. ఈ భూమిని ఆయన అమ్మివేసిన తరువాత ఈ భూమి ఆయన ఆధీనంలో లేదు. ఈ భూమిని ఆయన అమ్మివేసిన తరువాత ఈ భూమి ఆయన ఆధీనంలో లేదు. ఈ భూమిని ఆయన అమ్మివేసిన తరువాత ఈ భూమి ఆయన ఆధీనంలో లేదు.

4) ఈ కేసులో ఇరుపక్షాల వారు ఒప్పుకున్న విషయాలు ఏమిటంటే ప్రతివాది ఈ భూమిని 1933 సంవత్సరంలో వేలంపాటలో కొన్నారు. ఆ భూమిని ఆయన 1934 సంవత్సరంలో అమ్మివేశారు. ఆ అమ్మకం ఆధారంగా ఈ భూమి ప్రస్తుతం ఆయన ఆధీనంలో ఉంది. ఈ భూమిని ఆయన 1934 సంవత్సరంలో అమ్మివేసినప్పుడు ఆయన ఈ భూమి తనదేనని, ఈ భూమిని అమ్మడానికి తనకు పూర్తి అధికారం ఉందని చెప్పారు. ఈ భూమిని ఆయన అమ్మివేసిన తరువాత ఈ భూమి ఆయన ఆధీనంలో లేదు. ఈ భూమిని ఆయన అమ్మివేసిన తరువాత ఈ భూమి ఆయన ఆధీనంలో లేదు. ఈ భూమిని ఆయన అమ్మివేసిన తరువాత ఈ భూమి ఆయన ఆధీనంలో లేదు.

continued

లుంటూ నుశ్చ ఎ కోర్టులోగాని యిస్తు విరోధి రెండు లూ, వుస్తు లు — పాటలో ఇచ్చినవాడికి కోర్టు బట్టలోంక తీ రెండో లిల్యాత పొందిరి వి దరిద్ర మందు కోటీ మీ టట్టలన్ను దాని ఇచ్చు వుండా నాన్ని యిచ్చుమ్మ కోర్టు పొంది equitable గా నిచ్చిన్న ఇదరిందర — వ్రాశిపొందిచ్చి ఉద్ధ పొం వ్రాశిపొంది యి సంబంధ మీ Municipal Administration గీవూం ద కోంచరీయూం లుంటూ నుచ్చరిస్తు

8 భర్త్యా ద వకారన్న పొటిస్ వూండ లు పొరగా విస్తు

9 ఇంగ resume వూండి కోర్టులు తీర్పులు గా త్రు పొంద — ఉద్ధపొరపిస్తు

10 దాం పొం హ్యా — ఈ రిప్లై వూం పిరొండ్ర పొంగి చీరుపు వ భంగపిన భీస్తూ భుక్కు పొంది యి దాం పొందిత్రు ఛీగలు — చెప్పి వ్రాదినీ

11

copy

President Municipal

From Municipal Council

Dt 01 39 Rs Hanuman

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 6569/ Rel 31-38-69 *Dated Bangalore* 27th February 1939

From

The Secretary to the Government of His Highness the Maharaja of Mysore
Local Self Government Department

To

The Deputy Commissioner,
Chitaldrug District

Sir

With reference to your letter No A6 C 2078/36-37 dated 28th January 1939 forwarding copies of the statement on the defence side and that of the reply from the Plaintiff in the suit filed against the Harihar Town Municipality by Mr Syed Abdul Rub Sab of Harihar, I am directed to request you to obtain and forward a copy of the plaint filed in the case

I have the honour to be,
Sir,
Your most obedient servant,

for Secretary to Government,
Local Self-Government Department

S

లంటూ నాకై ఒకరోజున్నర్లో యిల్లు విడిచి రండి, వస్తాలు
పాటలే జుగుప్సావహంగా కొండ చిలువలా తన బంధాలలో
పెనవేసి చుట్టబెట్టి పిండి రసం పీల్చి వదిలేసే
నాన్న యిష్టమైన పెన equitable గా పంచక ఇద్దరిది-
ప్రతిపాదికి రెండు వాటా ప్రతిపాది యిచ్చి municipal
administration నీవూ చదివించి వేరు లంటూ నాకు చిల్లి

8 భర్త్ర

9 ఇంగ
ఉల్లంఘన

10 చిం
భంగిమ
చెప్పి భద్ర
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Appendix F G—1]

SUBJECT

CDP 97

Section ml

File No 31-38

Serial No 69,

Diary No of letter replied to 4031

No 16569

To The Sub Collector Dt

Sir,

Subject: Suit against the Harihar Tm Mlg by Syed Abdul Rub Sab of Harihar etc

General and Revenue Secretariat

( )

the *193*

Date of issue 21-2-39

Signed by

With refee to your letter No Ab C 2078/36-37 dy 28-1-39, ~~on the above subject~~ forwarding copies of the SH on the defence side and that of the rep from the plaintiff in the suit filed against the Harihar Tm Mlg by Mr Syed Abdul Rub Sab of Harihar, I am directed to request you to ~~send~~ obtain and forward a copy of the plaint filed in the case

List of enclosures

Copied by ....

Examined by

I have etc

for Secy to Govt

WD 0278—GPB—30 000—4 3 38

4536

Tel Address —DEPCOM Chitaldrug

In reply please refer
No MC C 2078/38-37
Encls Cre

SECY LOCAL

OFFICE OF THE DEPUTY COMMISSIONER
CHITALDRUG DISTRICT

Dated Chitaldrug 6th March 1939

Govt of [illegible] 71[illegible] ml 31-38-73

FROM

M NAVANEETHAM NAIDU ESQ BA BL
Deputy Commissioner
Chitaldrug District

To

The [illegible] ESQ IAS
Secretary to Government of Mysore
Local Self-Government Department,
Bangalore

SIR

Subject - Suit against the Harihar Town Municipality by Mr Syed Abdul Rahiman of Harihar (in O S No 139/38-39 on the file of the Munsiff Davangere)

- o --

With reference to your letter No I 6569/I 61-38-39 dated 21st February 1939 calling for a copy of the plaint filed in the above case I have the honour to forward herewith the same as desired

I have the honour to be,
Sir,
Your most obedient servant

Navaneetham Naidu

DEPUTY COMMISSIONER
CHITALDRUG DIST

చూవడూగిరి ముద్దాయిల కోర్టులో
ఓ.ఎ 139/38-39

వాది
శ్రీయుచ్ అబ్దుల్ రబ్
ఇన్
ముసిల్మాన్ మరియు ఇతర
రెవెన్యు ఎక్షన్ చూడండి
టౌన్ వాసి

ప్రతివాది
చూడండి దట్టవర్ ముసిలీల్
హోల్ట్ ఇన్ పూర్తిలు
చూడండి దట్టవర్ వాసి

వాదియు చాలా వివరంగా ఏందంటే —

1 షెడ్యూలు జాగవన్ను ప్రతివాదియు పాదిసే 19 ఓ 35 రూపాయల్లో తిమ్మప్ప లగత్తై ఇరువరధిలకి ప్రహార వసూల్ మాడి హేందు లగత్తై ఇరువనోల్ధ టాక్ష్ రేటన్ను వాదిసే సా 19 ఓ 35 రూపాయల్లో దొంట్టను తూడ్డలు జాగవన్ను వాదియు ధ్వాధీనవు తిసిదరు షెడ్యూలు జాగద మన్లలు ఇక్కిరువ వాదియు చాంబ్రు 54 నోరంబరు మనే ముతు ఇక్కవు దళ్లే మేట్ట్లలుగళన్ను కట్టలు అందళ షెడ్యూలు జాగదల్లిరువ ట్ట్లలు లగత్తై ఎప్పెర్ట్ బేడ ఇహో ట్టిరు ఆత్రక్కార్ష షెడ్యూలు జాగాదళ్లి మేట్ట్లలుగళు కట్టిసి షెడ్యూలు జాగక్కే వాదియు ఇల్లి బారసాగి స్వాధీనవన్ను కొళ్ళబేందిరుత్తానే

2 ప్రతివాది చూడండి దట్టవర్ ముసిలీల్ స్వాలోషన్ 41 రల్లికాగి షెడ్యూలు జాగవన్ను వాదిగే కొండలు అధికారవిద్దు ఆత్రకార ఇట్టిరుత్తారే వాదిగే మూడిరుద దు ఇల్లి కూలుబ వ్యాపారవాగిరుత్తై. చూడండి ముసిలీల్ స్వాలోషన్ K11 రల్లివిశద మాగిరువ ప్రకారవాగి చూడండి దవరిగే ఠగసలి ఇశరయూవళిద్ది తొందరెగళు మాడల్లి బందరే వాదిగే స్వాంటోమూదిద్దన్ను కొళ్ళదే ఇన్ను మూడలు అధికారవిల్ల వందే బందువుగళిల్ల దిల్లవే

3 రిలగిదుద్దేనేందరే ప్రతివాదియు యావ దోషకారణదింద వాదియ విరోధిగళ మూరిగే వళ్ళబట్టు కొళ్ళువుళ్ళే ఎకోన్నవాద మూరవేగగళ ఎళ్ళయ గళన్ను మాలలీ కిత్త అధికారిగళు కోళ నిరబు దాగియూ, అదరిందయే నేనోడవందు తిదవ్య పడేదిరబేకు దొంగియూ కొళ్ళుబారదే మాలలోబ్ర అధికారిగళుద్ధ ఇడగర్ బందిరే కూంబునేవదవోలే మాడిసి స్వాధీనవన్ను కొడిసువ షెడ్యూలు జాగవన్ను మాలవూడి

PTO

1614
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No A6 C 2078/36-37 | Encl file

Office of the Deputy Commissioner
Chitaldrug District,
Dated, Chitaldrug 9th Sept 1939

From

Mahomed Ismail Sheriff, Esq, B A,
Deputy Commissioner,
Chitaldrug District

To

C Subrahmanya Aiyar, Esq, B A, B L
Secretary to Government,
Law Department, Bangalore

Sir,

Subject - Suit against the Harihar Town Municipality by Mr Syed Abdul Rub Sab of Harihar in O S No 139/38-39 on the file of the Munsiff Davangere

In continuation of this office letter No A6 C 2078/36-37 dated 6th March 1939 and with reference to your letter No L 7687/M1 31-38-76 dated 23rd March 1939 on the above subject, I have the honour to forward herewith the file of records received from the President Harihar Town Municipality ending with his report No H C 17/36-37 dated 6th September 1939 and to state as follows -

The President, Harihar Town Municipal Council reports that the aforesaid case which was for hearing on 4/9/1939 has been posted to 18th September 1939 He states that the court threw out a suggestion that it would simplify matters if the resolution passed by the Municipal Council in their meeting held on 21-11-37 allowing the plaintiff, Mr Abdul Rub, to retain the stair-case put on the left side of the building and that the orders of Government may be obtained in the matter before further proceeding with the case The President therefore requests that orders of Government might be obtained in the matter before the date of hearing, in the light of the suggestion made by the Court

(Next page please

It is seen from the records that no orders were passed on this resolution of the Municipal Council but records were sent to the Sub Division Officer, for opinion on 11-6-38 - who reported that the records be returned to the President to get the whole steps removed Hence the records were returned The inference is that the resolution was not - approved

In view of the short interval left, I have instructed the President, to move the Court for granting a sufficiently long adjournment, pending orders of Government in the matter

I request therefore that early orders of Government may kindly be obtained on the said resolution of the Municipal Council as desired by the President and the same communicated to me for further needful action

I have the honour to be,
Sir,
Your most obedient servant,

DEPUTY COMMISSIONER
CHITALDRUG DIST

M N

Appendix F G—1]

SUBJECT

Section mc
File No 31-38
Serial No 76

Diary No of letter replied to 4596

No 7687

To the D C Chittagong

General and Revenue Secretariat

( )

the *193*

Sir, Subject :- Suit against the Hanchar Town Mkt by Mr Syed Abdul Rub Sab of Hanchar

Date of issue 27/3/39

With refer to the correspondence ending ~~with~~ with your letter No A6 C 2078/36-37 d 6-3-1939, on the above subject, I am directed to state that, under Section 178 of the T M Act, no suit can be filed against a Mc Cl without a notice in writing stating the cause of action, etc, and until after the expiry of two months from the date of notice ~~Neither of the alleged~~ ~~There is no allegation~~ in the plaint that such a notice had

Signed by

List of enclosures

Copied by

and

Examined by

WD 0278—GPB—30 000—4 3 38

been given to the Hon'ble Ml
Gl, nor the Ml Gl has raised such
a plea in its defence I am therefore to add
that, if the circumstances
of the case Require, the Ml Gl
may be asked to raise this plea
in its defence

I have the
to
Hon
21/3
2
21/3/1 Forest to Govt
Revenue Dept
Forest

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 42-90/mk-37-38 *Dated Bangalore* 1st November 1939

From

The Secretary to the Government of His Highness the Maharaja of Mysore
Law Department

To

The Deputy Commissioner,

Chitaldrug District

Sir Subject - Suit against the Harihar Town Municipal Council by Mr Syed Abdul Rub Sab

---

With reference to the correspondence ending with your letter No A5 C 2078/36-37 dated 9th September 1939 forwarding for the orders of Government the resolution of the Harihar Town Municipal Council that the stair case to the right of the building of Mr Syed Abdul Rub Sab be got ~~renewed~~ removed and the site be resumed and that the stair case to the left of the building be allowed to remain as it does not stand in any road according to the modified plan, I am directed to request you to furnish your definite opinion as to whether the suit may not be settled on the basis of the resolution of the Municipal Council dated 21st November 1937

The records accompany for reference and retransmission

I have the honour to be,
Sir,
Your most obedient servant,

Mir Safdar Hussain

For Secretary to Government,
Law Department

Rmr

mk

Appendix F G—1]

SUBJECT

Section [illegible] and

File No 31-38

Serial No

Diary No of letter replied to

No. L 4290

To

The Deputy Commissioner,
Chittagong District.

General and Revenue Secretariat

( )

the *193*

Subject Suit against the Harbour Town Municipal Council by Mr Syed Abdul Rab Sahb

Date of issue 1-11-39

Signed by [illegible]

Sir,

With reference to the correspondence ending with your letter No A&E 2078/36-37 dated 9-9-1939 forwarding for the orders of Govt the resolution of the Harbour Town Municipal Council that the stay case to the regret of the building of Mr Syed Abdul Rab Sahb be Govt reserved and the note be

List of enclosures

Copied by [illegible]

[illegible]mined by

WD 0563—GPB—30 000—6 1 39

reserved and that the staircase to the left of the building be allowed to remain as it does not stand in any road according to the amended plan, I am directed to request you to furnish your definite opinion as to whether the suit may not be settled on the basis of the resolution of the Municipal Council dated 21/11/1937 a copy of which is enclosed for your perusal and return.

The receipt

I have etc

2/3/1938

for Secy to Govt

Revn Law Deptt

ML 31-38 97

Office of the Deputy Commissioner,
Chitaldrug District,
Dated, Chitaldrug 7th Nov 1939

No 46 C 2078/36-37
Encls file of records

2628/2

From

Mahomed Ismail Sheriff, Esq, B A
Deputy Commissioner,
Chitaldrug District,

To

C Subrahmanya Aiyar, Esq, B A, B L,
Secretary to Government,
Law Department, Bangalore

Sir,

Subject:- Suit against the Haribar Town Municipal Council by Mr Syed Abdul Rub Sab

With reference to your letter No L 4290/L B dated 1st November 1939 on the above subject requesting me to furnish my definite opinion as to whether the suit may not be settled on the basis of the resolution of the Municipal Council dated 21st November 1937, I have the honour to forward herewith for the kind information of Government the further report No H C 17/36-37 dated 16th October 1939 received in the matter from the President Town Municipal Council, Haribar and to state as follows:-

It is reported by the Municipal President, Haribar that at the request of the plaintiff in the said suit case, a compromise was effected between the plaintiff and the Municipal Council and that the Rajinama application as approved by the Municipal Council (vide its meeting dated 25-9-1939) was also admitted by the Munsiff Court at Davengere and that a decree was awarded with costs A copy of the resolution of the Municipal Council dated 25-9-39 together with a copy of the Rajinama application is enclosed for kind reference

In the circumstances, I am of opinion that the action of the Haribar Town Municipal Council in having amicably settled the matter by entering into compromise with the

(Next page please

plaintiff may kindly be approved and the question ordered to be dropped

The entire file of records received with your letter under reference are retransmitted for kind reference and return when done with

I have the honour to be,
Sir,
Your most obedient servant,

Try Asst Commissioner
Chitaldrug District,
For Deputy Commissioner,
Absent from Station

M N

G R S App F VI—G 2]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *193*

Date of issue ..193

Signed by

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

Section ME

File No 31-38

Serial No. 98

Proceedings of the Government of His Highness the Maharaja of Mysore

Read—

G O No L 16636/ ME 76-35-68 dated 28 8 1936 conferring under Section 194(2) of the Mysore Town Municipalities Act 1933, the rights of the Dy Commr Chitaldrug [illegible] regarding the resolutions Order thereon—Nos of the Harihar Town Municipal Council regarding the grant of two pieces of land to one Mr Sayed Abdul Kadir, a resident of the Municipality

2, G O No L 3536-38 ME 31 38-40 dated 3-11-39 conferring the engagement

of a lawyer at Davangere to defend the suit on behalf of the Harihar Town Municipality filed by Mr. Syed Abdul Rub

3) Correspondence ending with letter No A6C 2078/36-37 dated 7-11-1939 from the Dy Commr, Chitaldrug Dt stating that the Court threw out a suggestion that it would simplify matters if the resolution passed by the Harihar Town Municipal Council on 21-11-1937 directing the removal of the stair case on the side to the right of the building and allowing Mr Abdul Rub to retain the stair case put up by him on the side/left of his house, as it did not stand in any road according to the modified plans is approved, and that a compromise has accordingly been effected between Mr Abdul Rub and the Harihar Town Municipal Council and that the Rajpramukh application was also admitted by the Munsiff Court at Davangere and requesting that the action taken by the M.C. be approved and the proceedings dropped

List of Enclosures

Copied by

Examined by

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read –

Government Order No L 1663-6/Ml 76-35-68 dated 28th August 1936 confirming under section 194(2) of the Mysore Town Municipalities Act, 1933, the order of the Deputy Commissioner, Chitaldrug District suspending the resolution of the Harihar Town Municipal Council regarding the grant of two pieces of land to one Mr Syed Abdul Rub, a resident of the Municipality

2 Government Order No L 3536-38/Ml 81-38-40 dated 3rd November 1939 sanctioning the engagement of a lawyer at Davangere to defend the suit on behalf of the Harihar Town Municipality filed by Mr Syed Abdul Rub

3 Correspondence ending with letter No A6 C 2078/36-37 dated 7th November 1939 from the Deputy Commissioner, Chitaldrug District stating that the Court threw out a suggestion that it would simplify matters if the resolution passed by the Harihar Town Municipal Council on 21st November 1937 directing the removal of the stair case on the site to the right of the building and allowing Mr Abdul Rub to retain the stair case put up by him on the site to the left of his house, as it did not stand in any road according to the modified plan, is approved, and that a compromise has accordingly been effected between Mr Abdul Rub and the Harihar Town Municipal Council and that the Rajinama application was also admitted by the Munsiff Court at Davangere and requesting that the action taken by the Municipal Council be approved and the question dropped

ORDER NO RS 101-2 Ml 38-38
Dated, Bangalore, the 26th November 1939

RECORDED

Mr Sajan Munn
For Secretary to Government
Law Department

To
The Deputy Commissioner, Chitaldrug District, withrecords
The Comptroller to the Government of Mysore

mk 3